

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 16th September 2019

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**Title of
Report:** Licensing Act 2003 -
Manhattans, 85-87 High Street
West, Wallsend, NE28 8JD

Ward(s): Wallsend

1.0 Summary / Purpose of Report

Licensing Sub-Committee

- 1.1** The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Person in respect of an application for a licence, a variation of a licence or a review of a licence, a hearing must be held to consider them. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.
- 1.2** The Sub-Committee is asked to consider and determine the application from Copenhagen 1801 Limited for the Variation of a Premise Licence in relation to Manhattans, 85-87 High Street West, Wallsend.
- 1.3** A representative from the applicant has been invited to attend the meeting to put forward its case in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has been advertised at the premises, in a local newspaper and also on the Council Website as prescribed. A representation has been made by The Chief Officer of Police. This is attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an Application for the variation of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- modify the conditions of the Licence; or
- reject the whole or part of the Application.

Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the **Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005**.

2.0 Background

2.1 This report relates to an application for the Variation of an existing Premise Licence in respect of Manhattans, 85-87 High Street West, Wallsend.

The licence currently permits the following licensing activities and times:

Supply of Alcohol (on and off the premises), Exhibition of a Film, Performance of Live Music, Playing of Recorded Music, Performance of Dance and Entertainment of a similar description to live music etc.

- Every Day 11.00 – 02.00

Late Night Refreshment

- Every Day 23.00 – 02.00

General Opening Times

- Every Day 11.00 – 02.00

Non Standard Timings

- All licensable activities extended for a one hour period on the Friday, Saturday and Sunday of a Bank Holiday weekend, Maundy Thursday, Christmas Eve, Boxing Day and New Year's Day.
- For an additional hour on the day that GMT changes to BST.
- The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's day).

2.2 In 2018 an application was submitted for the grant of a Premises Licence in respect of Manhattans, 85-87 High Street West, Wallsend that was considered by the Licensing Sub-Committee on 12 June 2018, following a representation received from Northumbria Police. The applicant requested that the licensable activity hours be permitted until 03.00 on Friday and Saturday evenings and that the opening hours be extended 30 minutes after the end of permitted licensable activities every day. The Sub-Committee determined that a Premises Licence should be granted with appropriate conditions but with different hours to those applied for by the Applicant. The permitted hours for the provision of the licensable activities and the hours during which the Premises are to be open to the Public was determined to be those outlined in paragraph 2.1 above.

3.0 The Application for the Variation of a Premises Licence under Section 34 of The Licensing Act 2003

3.1 The Application for the variation of the Premises Licence is made pursuant to Section 34 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 35 of the Act.

3.2 The variation application is to extend the hours for licensable activities on a Friday and Saturday as follows:

1. **Supply of Alcohol** (on and off the premises), **Exhibition of a Film, Live Music, Recorded Music, Performance of Dance, Anything of a similar description to live music, recorded music or performance of dance** as follows:

- Sunday – Thursday 11.00 – 02.00 - No Change
- Friday and Saturday 11.00 – 03.00 – An extension of 1 hour each day

2. **Late night refreshment** as follows:

- Sunday – Thursday 23.00 – 02.00 - No Change
- Friday and Saturday 23.00 – 03.00 – An extension of 1 hour each day

3. **Non-standard timings** as follows (no change):

- All licensable activities extended for a one hour period on the Friday, Saturday and Sunday of a Bank Holiday weekend, Maundy Thursday, Christmas Eve, Boxing Day and New Years Day
- An additional hour on the day that GMT changes to BST. The licensable activities specified in the licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day)

3. **Opening times**

- Sunday – Thursday 11.00 – 02.30 - An extension of 30 minutes each day
- Friday and Saturday 11.00 – 03.30 – An extension of 1 hour 30 minutes

3.3 The Application for the Variation is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

3.4 A copy of the current premises licence is attached at **Appendix 4**.

4.0 Promotion of Licensing Objectives

The applicant has indicated that they do not consider any further steps are necessary in the operating schedule as it believes that the current licence conditions adequately promote the licensing objectives.

Please see **Appendix 1**.

5.0 The Representations

A relevant representation has been made by the Chief Officer of Police and is attached at **Appendix 5**. No representations have been made by the other Responsible Authorities namely:-

- Tyne and Wear Fire and Rescue Service
- The Health and Safety Officer of North Tyneside Council
- The Local Planning Authority
- The Environmental Health Officer of North Tyneside Council
- The Local Safeguarding Children's Board for North Tyneside
- The Weights and Measures Authority for North Tyneside
- The Licensing Authority
- The Director of Public Health
- Home Office Immigration Enforcement
- Other persons

6.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Copenhagen 1801 Limited – represented by Sintons Law
2. Responsible Authority – Chief Officer of Police

7.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:

- Application for the variation of a Premises Licence in relation to Manhattans, 85-87 High Street West, Wallsend

8.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy - Section 10 Licensing Objectives.

9.0 The Revised Guidance issued under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives.

10.0 For Decision

The Sub-Committee is asked to determine the application in whatever way it sees fit.

11.0 Associated Papers

Appendix 1 – The application for Variation of a Premises Licence
Appendix 2 – Plan of the Premises
Appendix 3 – Map
Appendix 4 – Current Premise Licence
Appendix 5 – Relevant representation

12.0 Background Information

The following background information has been considered in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy
The Licensing Act 2003 and Regulations
Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
Delegation Scheme in the Statement of Licensing Policy
Equality Act 2010